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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/726,591      | 12/04/2003  | Norihisa Yato        | 01-523              | 6918             |

23400 7590 11/17/2004

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EXAMINER

NGUYEN, THU V

ART UNIT PAPER NUMBER

3661

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |                                       |   |
|------------------------------|--------------------------------------|---------------------------------------|---|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/726,591 | <b>Applicant(s)</b><br>YATO, NORIHISA |   |
|                              | <b>Examiner</b><br>Thu Nguyen        | <b>Art Unit</b><br>3661               | 1 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) 4,5 and 7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,6 and 8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/4/03</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

The response to the restriction requirement filed on October 21, 2004 has been entered. By this response, the species group 1 (including claims 1-3, 6 and 8) has been elected traverse, accordingly, claims 1-3, 6 and 8 are examined in this office action.

#### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 2-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. In claim 2, line 2, the claimed “the time which gains or loses every an hour” is ambiguous. It is not clear if the claimed limitation means “after an hour passes, the time gains a certain amount?”
- b. In claim 3, lines 10-11, the claim “given time following the given time standard” is ambiguous. It is not clear what should be considered as “given time” (what does “given time” means?). How would the “given time” be considered as following the given time standard”?

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2, 3, 6, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tajima et al (US 2003/0100323) in view of Kurokawa et al (US 5,546,092).

As per claim 1, 8, Tajima teaches a device comprising: a time indicating unit 2 (fig.1); a designating unit for designating time (lines 1-5 of para 0050); a time changing unit for changing the time on the indicating unit (para 0065). Tajima does not explicitly disclose an arrival time estimating unit for estimating an arrival time at a destination and changing the estimated arrival time based on the given period. However, Tajima teaches the capability of changing several scheduled times according to and together with the change of the present time (para 0051; 0070), moreover, Kurokawa teaches the capability of determining and displaying estimate time for arrival at a destination (col.6, lines 46-64) and the capability of compensating time difference between the local time and the universal time of convention (col.5, lines 10-15); furthermore, determining arrival time by adding the time at the present location with the period necessary for travel to the destination would have been well known. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the capability of determining the expected time of arrival of Kurokawa and write the expected time of arrival to the memory device of Takima in order to facilitate providing the user expected time of arrival that is adjusted when the time at the origin is adjusted.

As per claim 2, Kurokawa teaches setting time difference in units of hours (col.5, lines 10-15; fig.3).

As per claim 3, Tajima teaches detecting moving to a region that has a different time standard (lines 5-9 of para 0050); computing time following the time standard of a region (lines 1-7 of para 0051); Tajima also teaches detecting moving to a region that has a different time standard, computing given time (the time difference in Tajima) and designating the given time into which the time changing unit changes the time indicated by the indicating unit (para 0051; 0064-0065).

As per claim 6, mounting a navigation device to a vehicle would have been well known.

### ***Response to Arguments***

Applicant's explanation concerning indication of fig.7 as belonging to the second embodiment has been considered. It is acknowledged that fig.8-10 is actually describing the second embodiment. The examiner would like to replace "fig.7" with "fig.8-10" in the restriction requirement issued on October 6, 2004. Claims 4, 5 and 7 still read on the second embodiment (compare claim 4, last limitation with the disclosed detail in the specification page 13, lines 24-26) and are still subject to the restriction requirement.

Art Unit: 3661

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 305-7687, (for formal communications intended for entry)

**Or:**

(703) 305-7687 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park V, 2451

Crystal Drive, Arlington, VA., Seventh Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Nguyen whose telephone number is (703) 306-9130. The examiner can normally be reached on Monday-Thursday from 8:00 am to 6:00 pm ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black, can be reached on (703) 305-8233. The fax phone number for this Group is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1111.



**THU V. NGUYEN  
PRIMARY EXAMINER**

November 12, 2004